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| 09/681,166  | 02/07/2001  | Joseph John Melotik  | 200-0729            | 1742             |
| 10534   | 7590        | 09/09/2004           | EXAMINER            |                  |
| BLISS MCGLYNN, P.C.<br>2075 WEST BIG BEAVER ROAD<br>SUITE 600<br>TROY, MI 48084 |             |                      | GUTMAN, HILARY L    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3612                |                  |

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/681,166

Applicant(s)

MELOTIK ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The finality of the rejection of the last Office action is withdrawn and prosecution is re-opened. A new rejection is set forth below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5, 8-10, 12, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig.

For claim 1, Mayer discloses an integrated extendable load floor/drawer assembly (seen in the figures) for a vehicle having a rear end 10 with a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a cargo area 12 with an opening and a decklid 32 and 34

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for closing an upper portion of the opening of the cargo area 12. The integrated floor/drawer assembly comprises a plurality of rails 42 "adapted" to be disposed at the side 16 and 18 of the vehicle; a load floor 26 operatively cooperating with the rails for sliding movement therealong (Figure 5) and including an endgate 22 pivotally attached to a rear longitudinal end thereof having an upright closed position (solid lines of Figure 2) and a horizontal open position (dashed lines of Figure 2), the endgate closing a longitudinal end portion of the opening of the cargo area (Figure 1) when in the upright closed position adjacent a rear of the vehicle, whereby the decklid and the endgate cooperate together to close the opening of the cargo area; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

With regard to claim 2, the assembly also includes a pair of slides 44 disposed on opposed sides of the load floor and cooperating with the rails.

With regard to claim 3, the load floor 26 comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects.

With regard to claim 5, a latching mechanism 80, 84 is provided to latch the endgate 22 to the load floor in the upright closed position.

For claim 8, Mayer discloses an integrated extendable load floor assembly for a vehicle having a rear storage area 12 with a longitudinal open end comprising: a decklid 32, 34 adapted to be pivotally secured to the rear end for pivotal movement to close an upper portion of the open end of the rear storage area in a closed position and for pivotal movement to open the upper portion of the open end of the cargo area in an open position; at least one rail 42 disposed upon a bottom of rear storage area; a drawer or load floor 20, 26 cooperating with the at least one rail

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allowing for a selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position, the rear panel closing a lower portion of the open end of the rear storage area when in the upright closed position adjacent a rear of the vehicle; and a load floor latching mechanism 66 comprising a striker and a latch (Figure 7) connected to a rearward longitudinal end of the load floor, and the rear storage area of the vehicle adapted to latch the load floor in a closed position within the rear storage area, the load floor latching mechanism including a movable handle 60 disposed on the load floor. The decklid and the endgate cooperate together to close the opening of the cargo area.

With regard to claim 9, the assembly also includes at least one slide 44 disposed on sides of the load floor and cooperating with a portion of the at least one rail.

With regard to claim 10, the load floor comprises a bottom 26 and sides 28, 30 extending generally perpendicular to the bottom to form a compartment for holding objects.

With regard to claim 12, the assembly includes a rear panel latching mechanism 80, 84 that latches the rear panel in the upright closed position.

For claim 20, Mayer discloses an automotive vehicle comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor 14 to form a cargo area 12 with an opening; a plurality of rails 44 spaced laterally and extending longitudinally between the sides above the floor (Figure 5); a drawer or load floor 26 operatively cooperating with the rails for sliding movement therealong; a decklid 32 and 34 pivotally secured to the sides to close a first portion of the opening (Figure 1) of the cargo area in a closed position

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and to allow access to the cargo area in an open position (Figure 2) and to allow the load floor to be extended when the decklid is in the open position; an endgate 22 pivotally connected to the load floor and having a closed upright position (solid lines of Figure 2) and an open horizontal position (dashed lines of Figure 2), the endgate 22 closing a second portion of the opening of the cargo area when in the closed upright position (Figure 1) adjacent a rear of the vehicle, whereby the decklid 32, 34 and the endgate 22 cooperate together to close the opening of the cargo area; an endgate latching mechanism 80, 84 that latches the endgate in the upright closed position; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

For claim 21, Mayer discloses a sedan type automotive vehicle comprising: a body 10 including a rear end having a floor 14 and sides 16, 18 extending upwardly and along the floor to form a cargo area 20 with an opening; a load floor 26 for sliding movement in and out of the cargo area; an endgate 22 pivotally connected to the load floor and having a closed upright position and an open horizontal position, the endgate 22 closing a lower portion of the opening of the cargo area when in the closed upright position adjacent a rear of the vehicle; a decklid (numbers 32 and 34) pivotally secured to the sides and cooperating with the endgate for pivotal movement to close an upper portion of the opening of the cargo area in a closed position and for pivotal movement to allow access to the cargo area in an open position and to allow objects to be removed from the cargo area when the decklid is in the open position, wherein the decklid and the endgate cooperate together to closed the opening of the cargo area; and a load floor latching mechanism 66 comprising a striker 68, 70 and a latch 66, one of the striker and the latch being

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connected to a rearward longitudinal end of the load floor and the other one of the striker and the latch being connected to the body of the vehicle to latch the load floor in a closed position.

Mayer lacks the decklid 32, 34 having pivotal longitudinal movement forwards and rearwards to open and close the upper portion of the opening of the cargo area.

Greig teaches a an integrated extendable load floor/drawer assembly for a vehicle 10 having a rear end with a floor and sides extending upwardly and along the floor to form a cargo area with an opening 12 and a decklid 13. The decklid 13 is adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close the opening of the cargo area in a closed position and for pivotal longitudinal movement forward to open or uncover the opening of the cargo area in an open position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a single one piece decklid with pivotal longitudinal movement forwards and rearwards as taught by Greig in place of the two piece lateral pivoting decklids of Mayer in order to allow the upper portion of the opening to be opened in a one step process, whereby the one decklid is pivoted, as opposed to a time consuming two step process, whereby each decklid must be opened individually.

Mayer, as modified, discloses a plurality of rails comprising brackets 46 and rollers 42. The rails are provided at either side of the cargo area (Figure 5), two in particular are positioned at the lateral-most ends of the load floor, but are not directly attached to the sides of the vehicle. The two lateral-most rails are provided one at either side or end of the load floor. Specifically the brackets 46 are L-shaped and have a bottom portion attached to the bottom floor of the cargo

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area and a side portion extending perpendicularly upward therefrom. The rollers 42 are attached at these upwardly extending side portions and are disposed above the floor of the rear end.

Mayer, as modified, does not specifically disclose the rails disposed upon the sides of the vehicle. However, the rails are “adapted” to be disposed upon the side of the vehicle in that they are capable of being placed upon the sides and can be envisioned disposed upon the sides. Furthermore, one might consider placing these lateral rails upon the sides of the vehicle to maximize the depth of the load floor.

6. Claims 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig and Powell.

For claim 14, Mayer discloses a vehicle (as seen in the figures) comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a rear storage area 12 having an opening; a decklid 32 and 34 pivotally secured to the rear end to close a first portion of the opening of the rear storage area 12 in a closed position (Figure 1) and to allow access to the rear storage area in an open position (Figure 2); and an integrated extendable load floor assembly cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 42 disposed upon the floor of the rear storage area and a drawer or load floor 26 cooperating with the at least one rail (Figure 5), the load floor 26 having selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed (solid lines of Figure 2) position and a horizontal open (dashed lines of Figure 2) position, the rear panel 22 closing a



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second portion of the opening of the rear storage area when in the upright closed position adjacent a rear of the vehicle, whereby the decklid 32, 34 and the rear panel 22 cooperate together to close the opening of the rear storage area (Figure 1), and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

With regard to claim 16, the load floor comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects.

With regard to claim 18, the assembly includes a rear panel latching mechanism 80, 84 that latches the rear panel in the upright closed position.

Mayer lacks the decklid 32, 34 having pivotal longitudinal movement forwards and rearwards to open and close the upper portion of the opening of the cargo area.

Greig teaches a an integrated extendable load floor/drawer assembly for a vehicle 10 having a rear end with a floor and sides extending upwardly and along the floor to form a cargo area with an opening 12 and a decklid 13. The decklid 13 is adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close the opening of the cargo area in a closed position and for pivotal longitudinal movement forward to open or uncover the opening of the cargo area in an open position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a single one piece decklid with pivotal longitudinal movement forwards and rearwards as taught by Greig in place of the two piece lateral pivoting decklids of Mayer in order to allow the upper portion of the opening to be opened in a one step process, whereby the one decklid is pivoted, as opposed to a time consuming two step process, whereby each decklid must be opened individually.

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Mayer, as modified, discloses a plurality of rails comprising brackets 46 and rollers 42. The rails are provided at either side of the cargo area (Figure 5), two in particular are positioned at the lateral-most ends of the load floor, but are not directly attached to the sides of the vehicle. The two lateral-most rails are provided one at either side or end of the load floor. Specifically the brackets 46 are L-shaped and have a bottom portion attached to the bottom floor of the cargo area and a side portion extending perpendicularly upward therefrom. The rollers 42 are attached at these upwardly extending side portions and are disposed above the floor of the rear end.

Mayer, as modified, does not specifically disclose the rails disposed upon the sides of the vehicle.

Powell (2,172,405) teaches a vehicle comprising: a body 10 including a rear end having a floor 13 and sides 14-14 extending upwardly and along the floor to form a rear storage area 12 having an opening; a decklid 16 pivotally longitudinally secured to the rear end to close a first portion of the opening of the rear storage area 12 in a closed position (Figure 1) and to allow access to the rear storage area in an open position (Figure 2); and an integrated extendable load floor assembly 20 cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 32 disposed upon each of the sides of the rear storage area and a drawer or load floor cooperating with the at least one rail.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the rails of Mayer, as modified, upon the sides of the cargo or storage area as taught by Powell in order to maximize the depth of the load floor assembly and laterally support the load floor through its sliding movement in and out of the rear storage area.

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6. Claims 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig and Webber.

For claim 14, Mayer discloses a vehicle (as seen in the figures) comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a rear storage area 12 having an opening; a decklid 32 and 34 pivotally secured to the rear end to close a first portion of the opening of the rear storage area 12 in a closed position (Figure 1) and to allow access to the rear storage area in an open position (Figure 2); and an integrated extendable load floor assembly cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 42 disposed upon the floor of the rear storage area and a drawer or load floor 26 cooperating with the at least one rail (Figure 5), the load floor 26 having selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed (solid lines of Figure 2) position and a horizontal open (dashed lines of Figure 2) position, the rear panel 22 closing a second portion of the opening of the rear storage area when in the upright closed position adjacent a rear of the vehicle, whereby the decklid 32, 34 and the rear panel 22 cooperate together to close the opening of the rear storage area (Figure 1), and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

With regard to claim 16, the load floor comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects.

With regard to claim 18, the assembly includes a rear panel latching mechanism 80, 84 that latches the rear panel in the upright closed position.

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Mayer lacks the decklid 32, 34 having pivotal longitudinal movement forwards and rearwards to open and close the upper portion of the opening of the cargo area.

Greig teaches a an integrated extendable load floor/drawer assembly for a vehicle 10 having a rear end with a floor and sides extending upwardly and along the floor to form a cargo area with an opening 12 and a decklid 13. The decklid 13 is adapted to be pivotally secured to the rear end for pivotal longitudinal movement rearward to close the opening of the cargo area in a closed position and for pivotal longitudinal movement forward to open or uncover the opening of the cargo area in an open position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a single one piece decklid with pivotal longitudinal movement forwards and rearwards as taught by Greig in place of the two piece lateral pivoting decklids of Mayer in order to allow the upper portion of the opening to be opened in a one step process, whereby the one decklid is pivoted, as opposed to a time consuming two step process, whereby each decklid must be opened individually.

Mayer, as modified, discloses a plurality of rails comprising brackets 46 and rollers 42. The rails are provided at either side of the cargo area (Figure 5), two in particular are positioned at the lateral-most ends of the load floor, but are not directly attached to the sides of the vehicle. The two lateral-most rails are provided one at either side or end of the load floor. Specifically the brackets 46 are L-shaped and have a bottom portion attached to the bottom floor of the cargo area and a side portion extending perpendicularly upward therefrom. The rollers 42 are attached at these upwardly extending side portions and are disposed above the floor of the rear end.

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Mayer, as modified, does not specifically disclose the rails disposed upon the sides of the vehicle.

Webber (5,456,511) teaches a vehicle comprising: a body including a rear end having a floor 18 and sides 16 extending upwardly and along the floor to form a rear storage area having an opening; an integrated extendable load floor assembly 10 cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 14 disposed upon each of the sides of the rear storage area and a drawer or load floor cooperating with the at least one rail.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the rails of Mayer, as modified, upon the sides of the cargo or storage area as taught by Webber in order to better support the load floor laterally slides in and out of the rear storage area.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer, as modified, and as applied to claim 1 above, and further in view of Riley.

For claim 7, Mayer, as modified, lacks the load floor including an inner panel pivotally attached thereto to pivot between a closed position and an open position relative to a bottom thereof.

Riley (6,119,930) teaches a rear cargo area of a vehicle having a tailgate or endgate 20 and wherein an inner panel 40 is provided therein and pivotally attached to the tailgate to pivot between a closed position (Figures 1, 3, and 4), covering a storage cavity 22 within the tailgate, and an open position (Figure 5) relative to the bottom 26 of the tailgate when in an open position.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have providing a cavity and inner panel as taught by Riley upon the load floor of Mayer, as modified, in order to provide the vehicle with an easily accessible storage compartment.

*Response to Arguments*

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

6. **Any response to this action should be mailed to:**


Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

  
Hilary Gutman

September 2, 2004